

Healthy Policies for Healthy Kids



Policies play an important role in changing behavior and protecting our children. Not being able to convince the general populace of the necessity of car seats to reduce child fatalities, states began passing car seat laws in the late 1970s and early 1980s. Today, car seats are the standard. In the mid-1990s, when there was a rise in the number of children dying from air bag related injuries, the National Safety Council worked with local law enforcement agencies to enforce seat belt laws. In just four years child fatalities were reduced and seat belt use increased. Just like these, policies around nutrition and physical activity in schools have the power to change the behavior of our children and the potential to prevent life-long illness.

With childhood obesity now in the mainstream, pressure has been put on legislators and school administrators at the federal, state, and local levels to “do something.” In response,

there has been a significant increase in nutrition and physical activity-related legislation introduced at the federal and state levels and in the improvement of policies at school and school district levels. However, there is still a large gap between what is being introduced and recommended, and what is actually being passed and implemented. This article explores the policy lay-of-the-land around increasing physical activity and healthy eating in schools, including exemplary policies and the challenges of policy change.

There has been considerable debate and finger pointing about the causes of childhood obesity. Is it our culture of cars, televisions, and computers and the resulting lack of physical activity? Is it the result of kids drinking more soda and eating more junk food today than they did 20 or 30 years ago? Are the parents to blame or is it schools? As policies have been introduced addressing nutrition and physical activity in schools, the din has grown louder. A number of advocacy organizations lay the blame on junk food and sodas in

by Denise Rhiner

school vending machines. Food and beverage companies have fought back asserting that physical activity plays the principal role and defending the nutritional value of their products. But has this argument affected policy change?

Despite differing opinions, most people understand that both physical activity and good nutrition are needed to reduce childhood obesity. However, very few policies—at any level—effectively increase the number of hours children have recess or physical education (P.E.). Proposals are made, but P.E. policies are rarely enacted. Administrators and policymakers are much more willing to address nutrition than P.E. But, why? With the increased emphasis on academics and testing, schools believe they don't have the time or monetary resources to provide 30 minutes of P.E. or recess per day for every child. Many schools barely have the money to teach a science class, why should they hire one or two new P.E. teachers when they're being pressured to raise test scores? But, they can ask the food services department or another administrator to replace vending machines contents with healthier options—and still have sufficient revenues to fund an after-school program or contribute to the football team. Because of these patterns, this article focuses more on nutrition-related policies. Nevertheless, new policies to get kids physically active every day are much needed.

Policy change that increases physical activity and good nutrition in schools can occur at three levels: federal, state, and local. When real change does take place in a school, it's typically the result of a local-level policy. However, top-down policy change has its merits. Policies made at the federal and state levels, while often not enforced, can be highly influential, driving change at local levels. For this reason, federal level policies and regulations on school nutrition have become central to those fighting to get junk food out of schools and improve school lunches.

When a child walks into the lunchroom at school, she has several options. She can wait in the lunch line to buy a federally subsidized school meal that might consist of a slice of pepperoni pizza, a hamburger or a burrito, and a side of french fries, or she can purchase an array of "competitive foods," sold a la carte, that can include anything from doughnuts to cup-o-soups to potato chips to cookies. As long as it isn't on the following list of "foods of minimum nutritional value" (FMNV), schools can sell whatever they like in competition with the school meal program.

- * Soda water
- * Water ices
- * Chewing gum
- * Hard candies
- * Jellies and gums
- * Marshmallow candies
- * Fondant
- * Licorice
- * Spun candy
- * Candy-coated popcorn

Developed with the passage of the Richard B. Russell National School Lunch Act and the Child Nutrition Act in 1966, this list of prohibited competitive foods has never been updated, even though legislators have the opportunity every five years when it is reauthorized.

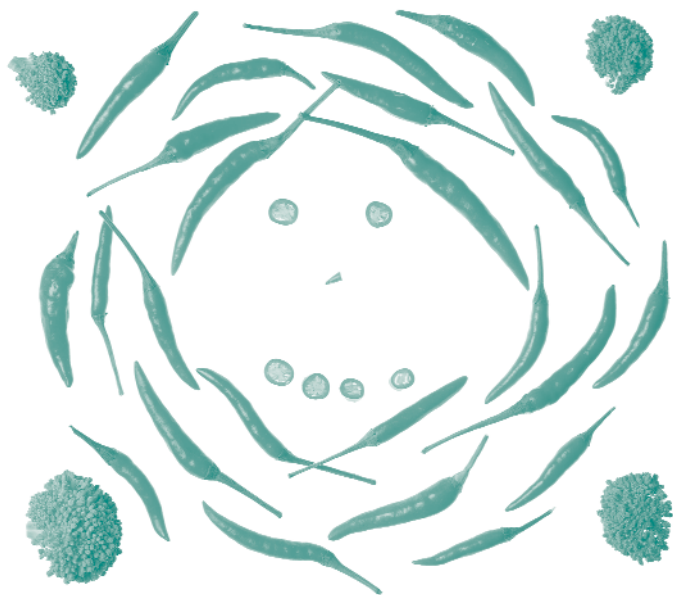
Schools often sell competitive foods to make up for losses incurred through the school lunch program. Reimbursement rates are presently so inadequate that many school food service departments are operating in the red. Selling popular junk food is one way to balance the food service budget.

Attempts have been made both in the 2004 reauthorization of the Child Nutrition Act and in federal legislation to address these issues. Vermont Senator Patrick Leahy introduced the Better Nutrition for School Children Act in three congressional sessions. Calling for an expanded redefinition of FMNV, the legislation would prohibit access to these foods on the entire school grounds until the end of the last lunch period. Each time it has been introduced, it has failed to move from committee to the floor.

The 2004 reauthorization of the Child Nutrition Act provided an opportunity to improve the nutritional quality of foods accessible to children in schools around the country. The American School Food Service Association, the American Dietetic Association, Physicians Committee for Social Responsibility, and the Food Research and Action Center all advocated for healthy changes in the National School Lunch Program, including for a stronger competitive food policy and a redefinition of FMNV.

Results of reauthorization were mixed. While there were no changes to policies on competitive foods or to the definition of FMNV, the following was accomplished:

- * Grants were authorized to schools to improve nutritional quality and school nutritional environment.



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- ✱ The fruit and vegetable pilot program was expanded to more states and will target high-poverty school districts.
- ✱ Schools can expand the varieties of milk they offer based on what they believe are the best offerings for the student body, including low-fat, lactose-free milk, and soymilk.
- ✱ Grants were authorized to nonprofits and local education authorities for farm to school projects and programs.

In addition, local education authorities are required by July 31, 2006, to establish a school nutrition policy that, at minimum, provides nutrition guidelines for all foods on campus. While this and the accomplishments listed above are a step in the right direction, a strong national policy on competitive foods is still lacking. And as will be discussed shortly, requiring a school district to write a policy does not mean a strong and effective one will be written or implemented.

Federal legislation, in general, is difficult to enact. Beyond reauthorization of the Child Nutrition Act, nothing has passed around increasing physical activity and healthy eating in schools. Bills will often make it out of one house, but get stuck in committee in the other. Tennessee Senator Bill Frist's IMPACT Act, which would provide grants to local entities for implementing comprehensive programs to increase physical activity and improve nutrition for children, made it through the Senate and has been sitting in the House Subcommittee on Health since February of this year. Industry pressure on food-related legislation and the lack of available federal funds ensures slow death for most of these bills.

State Policy Efforts

Over the past four years more than 75 bills addressing school nutrition and/or physical activity have been introduced into all 50 state legislatures. Only a handful have passed. Legislative activity at the state level confronts many of the same challenges experienced at the federal level. In Alabama, State Senator Smitherman introduced SB188, which would require “daily physical education instruction for students in grades K to 12” and require “the State Board of Education to adopt rules to implement daily P.E. and establish a Public School Physical Education Task Force.” Even though this state has one of the highest childhood obesity rates in the nation, this legislation has been sitting in committee since February. In Indiana, Senate Bill 29 would have required 30 minutes per day of P.E. for elementary school students, required healthy foods and beverages to account for 50 percent of the food and beverage sales in middle and high schools, and made vending machines inaccessible in elementary schools. After being amended numerous times by both the State House and Senate, the momentum diminished and it was relegated to inactive status. This is a typical occurrence in state legislatures nationwide.

Bills face a number of challenges to passage. Schools and school districts are concerned about retaining local power, as well as having another expensive, yet unfunded, law put on their shoulders. Beverage companies are concerned that legislation might threaten lucrative school vending machine contracts. And some administrators, teachers, and parents assert that students have the right to make their own decisions

about what they eat and drink during the day. In many states there are stronger lobbies of business and relevant organizations pressuring legislators not to pass a bill than there are those advocating for passage.

Resolutions encouraging schools to develop healthy policies and bills directing studies of childhood obesity or recommending schools or districts adopt health-promoting policies do get passed at the state level. Generally unfunded, this type of legislation takes a first step towards doing something without having to get into the political fray that often results from bills outlining strict requirements for physical activity, school lunches, or vending machine contents.

Some bills put the onus on state departments of education and school boards to develop policies or curricula addressing school nutrition and P.E. SB2897 in Illinois “provides that a school board may establish a child nutrition and physical activity advisory committee to develop and recommend to the school board policies to promote healthy eating and physical activity.” HB1071 in Massachusetts “requires school districts to develop policies on nutrition and physical activity.” Surely, both these examples sound like a good step, but such legislation typically provides no standards to which departments of education or school boards should adhere in their policy development. Weak policies can be rewritten with flowery language, encouraging schools to practice good nutrition without establishing any enforceable standards.

The federal and state policies on nutrition and physical activity that are in place are rarely enforced due to a lack of capacity and the current emphasis on academics. Illinois is the only state to mandate daily P.E. at every grade, but a 2003 survey estimated that less than 10 percent of elementary schools complied, and many schools have obtained waivers allowing them to sidestep the policy.

Activity at the Local Level

The primary locus of enforcement has proven to be at the school board level. Getting school board policies passed can be time-consuming and challenging, but passage of state legislation, even weak legislation, can help drive the process. If the political will does not exist in the legislating body, it can take some serious grassroots lobbying to influence passage. A parent or two taking the lead can rally support among parents, teachers, and other stakeholders to develop a cohesive strategy for passing policies at local levels. At the state level,

some infrastructure of concerned organizations is usually necessary to pursue passage of legislation.

The many obstacles that prevent strict state and federal legislation from being passed exist at the local level, as well. However, creating support and putting the pressure on decision makers is much easier at the local level. As a result, there are an increasing number of schools and school districts developing and implementing policies that address childhood obesity, physical activity, and nutrition.

But there is more to the story than passage and implementation of a policy. It is policy language that ultimately determines its value and enforceability. Many schools and states have nutrition and P.E. policies in place or are developing new ones, but the language is often general, providing no specific standards and thus being largely unenforceable. To be enforceable, a policy must set clear standards. Otherwise, what is there to enforce?

A small school district in Wisconsin developed the following competitive food policy:

The Board of Education believes in and encourages nutritious meals and snacks for school children. With this goal in mind and in accordance with federal school lunch program regulations, foods of minimal nutritional value shall not be sold on school premises from the beginning of the school day until after the end of the last lunch period.

When it comes to policies, believing in and encouraging healthy meals isn't enough. Essentially a reaffirmation of USDA regulations that prohibit the sale of FMNV in competition with the school lunch program, the policy allows candy bars, high-sugar drinks, potato chips, and other low-nutrition items to be sold at any time anywhere on school grounds. However, it does extend the period of prohibition into the hours prior to lunch.

In a Florida school district, the school food service program includes the management of not only the federal school meal program, but “ala carte food, beverage offerings, and sale of food and beverage items offered through vending machines or other methods to students at all school facilities during the school day.” The policy indicating the quality of these foods is as follows:

Foods and beverages available in schools shall be only those which meet the nutritional needs of students and contribute

to the development of desirable health habits unless provided otherwise in School Board rules.

The ambiguity of this policy provides not just loopholes, but loopcaverns. Without clear definitions, “nutritional needs” and “desirable health habits” are left open for debate and there is nothing in this policy to enforce.

It’s not all dismal, though. More and more schools and school districts are getting serious about improving the nutrition of their students and developing strong policies. The new policies of Los Angeles Unified School District in California and Poudre School District in Colorado are excellent examples of good policy language that provides enforceable standards.

Passed unanimously, the Los Angeles Unified School District beverage policy language is strong, unambiguous, and enforceable:

...effective January 2004, the only beverages authorized for sale at the Los Angeles Unified School District before, during and until one half hour after the end of the school day at all sites accessible to students shall be: fruit-based drinks that are composed of no less than 50 percent fruit juices and have no added sweeteners; drinking water; milk, including, but not limited to, chocolate milk, soy milk, rice milk and other similar dairy or nondairy milk; and electrolyte replacement beverages and vitamin waters that do not contain more than 42 grams of added sweetener per 20 ounce serving.

Poudre School District’s Nutritious Choices in School Vending Machines policy

[ensures] that at least fifty percent of all items offered in each vending machine or adjoining set of vending machines located in each school will be healthful foods or healthful beverages....Failure to offer [this] ratio...can result in the termination of the contract and immediate removal of the vending machines from the school.

The ambiguity of “healthful foods or healthful beverages” is resolved with a list of acceptable foods and beverages that clearly leaves out sodas and the worst junk food, such as candy bars and the highest-fat snacks. Although only 50 percent of the contents must meet these standards, it’s a good start.

As these two examples show, a good policy includes unambiguous, enforceable language that provides no room for interpretation. It does not simply encourage a healthy environment; it provides explicit detail on the standards for the environment.

Passing policies like those in Los Angeles Unified and Poudre School Districts and state legislation that can compel districts to take such actions requires coordinated work. The Strategic Alliance for Healthy Food and Activity Environments (the Strategic Alliance) in California provides a functional strategic model that has overcome many of the typical barriers to state and local policy change. When this coalition of local and state organizations working on nutrition and physical activity issues began informally collaborating, they realized they had much in common. Most importantly, they shared the idea that environmental policy change is ultimately more effective than public education for improving childhood nutrition. Recognizing the strength of working together, the Strategic Alliance was formed and a model state infrastructure for policy change was established.

Functioning as a coalition, the Strategic Alliance works “to prevent childhood obesity by making healthy food choices easier and creating more active environments in California’s communities.” Policy change is its primary tool for achieving this. Each organization has unique skills that contribute to a comprehensive approach towards implementing policy change at the state and local levels. This approach involves the implementation of the following eight key strategies with organizations contributing in their area of expertise:

✱ Research

The use of studies, collected data, and the tracking systems allow members to support their case for policy change and establish credibility with decisionmakers and the public.

✱ Standards

Stating the case for change is not enough. Members of the Strategic Alliance developed and now promote competitive food and beverage standards to local and state policymakers as a real solution. These standards were used in the development of both California’s SB19 and in the Los Angeles Unified School District’s healthy beverage policy.

✱ Dissemination

Disseminating study results and promoting strategies,

recommendations, and standards to policymakers and the public increases awareness, garners support, and gives policymakers something to act upon.

✱ **Collaboration**

Working as a statewide coalition in which expertise is shared allows the Strategic Alliance to be more efficient and effective at achieving policy and institutional change.

✱ **Training**

The Strategic Alliance provides targeted training and technical assistance to its own members, school board members and administrators, local coalitions and organizations, students, and others who share their goals.

✱ **Leadership Development**

The Strategic Alliance and its members work to promote community and youth engagement and advocacy around nutrition and physical activity issues. Community members are empowered to take the lead on putting pressure on local and state policymakers.

✱ **Organizational Advocacy**

The strategy to promote policy change in California institutions, organizations, and industry is important to establishing long-term environmental change.

✱ **Legislative Advocacy**

Almost all Strategic Alliance members are involved in tracking relevant legislation and urging the public to lobby, whether in the form of letters to policymakers or face-to-face lobbying in the state capitol.

As a result of their strong collaborative efforts, leveraging of each group's unique expertise and outreach networks, and commitment to concurrently deploying the above strategies, the Strategic Alliance has achieved significant policy change. They successfully incorporated credible nutrition standards in state policy, were instrumental in passing a policy banning sodas in the state's largest school district, and created the most effective coalition for achieving nutrition and physical activity policy change in the United States. Under the right conditions, this collaborative model has the potential to succeed in other states and become a standard for effecting policy change. Since its early achievements, the Strategic Alliance has been receiving inquiries from cities and states around the country. (For more information, go online to www.preventioninstitute.org/sa/.)

Schools are *learning* institutions, and they teach more than academics. The environment and the adults children come into contact with in their schools have a significant influence on their development and behavior. A school environment providing regular access to junk food and sodas teaches that they are okay as a normal part of the diet. If we're to reduce the incidence of childhood obesity, providing healthier foods and beverages, teaching good nutrition, and increasing physical activity must become a standard everywhere. With too many schools resistant to voluntary change, policy change is the solution.

But what will it take to change federal, state, and local policies so that our schools are doing everything they can to promote life-long healthy behaviors around nutrition and physical activity? State boards of education can get involved in several important ways:

- ✱ Adopt model policies.
- ✱ Enforce state school nutrition and P.E. policies.
- ✱ Disseminate model policies to colleagues and local school boards.
- ✱ Pressure federal legislators and the USDA to demand an expanded definition of FMNV.
- ✱ Support efforts to educate state and local policymakers.
- ✱ Encourage parents to get involved with their local school boards and to demand good, strong nutrition policies and daily P.E.

School policy change will not solve the problem of childhood obesity. But it has the power to hold schools accountable and create environments that foster the behaviors children need to develop into healthy, fit adults. As adults, we have the responsibility to ensure the health and security of our children, whether they are in school, in a car, or at home. Policies like the ones I've described can help us do that.

Denise Rhiner is a researcher and writer for Pyramid Communications, a public relations firm that works with foundations, governments, and nonprofits around the country. Working with The Robert Wood Johnson Foundation, she produced the Healthy Schools for Healthy Kids report, available on the Foundation's Web site at www.rwjf.org/publications/publicationsPdfs/healthy-Schools.pdf.